REMARKS

Pending in the present application are claims 6-27 of which claims 6, 18, and 26 are independent. In the Office Action mailed on September 7, 2006, claims 6, 8-18, 20, 21, 23 and 24-27 were rejected under 35 U.S.C. § 103(a) as unpatentable over Tschauder (U.S. Pat. No. 5,296,681) in view of Kiser et al. (U.S. Pat. No. 6,240,601). Also in the Office Action, claims 7 and 22 were rejected under section 103(a) as unpatentable over Tschauder in view of Kiser et al. and in further view of either Yang (U.S. Pat. No. 4,532,797) or Siegenheim (U.S. Pat. No. 2,189,352) and claim 19 was rejected under section 103(a) as unpatentable over Tschauder in view of Kiser et al. and in further view of Chen (U.S. Pat. No. 6,668,843). In reliance on the following remarks, the present application containing claims 6-27 is in condition for allowance, and reconsideration and notice to that effect is respectfully requested.

Canceled Claims

In the Office Action, claims 1-5 were withdrawn from consideration pursuant to 37 C.F.R. § 1.142(b) as being drawn to a non-elected invention. Applicants hereby cancel claims 1-5 without prejudice to their right to file a divisional application at a later time.

35 U.S.C. § 103(a) Claim Rejections

"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). Tschauder and Kiser do not form a proper basis for rejecting independent claims 6, 18 and 26, because the references are not reasonably pertinent to the particular problem with which Applicant's invention is concerned.

Claims 6, 18 and 26 are all directed at devices for moistening a material used in a cleanroom. Cleanrooms are highly specialized environments designed for a narrow group of scientific, engineering, and manufacturing applications. In particular, cleanrooms are meant to minimize or prevent the introduction of microscopic particulate matter into a testing or manufacturing environment where such environmental contaminants are undesirable. Persons having ordinary skill in the art of Applicants invention would not look to Tschauder or Kiser for guidance on solving problems in a cleanroom environment.

Tschauder discloses an apparatus for hot moistening face-towels. The face-towels disclosed in Tschauder are used by "airlines and restaurants for passengers and guests to refresh themselves" (col. 1, lines 29-30). The apparatus disclosed in Tschauder is not in the field of Applicant's endeavor. Additionally, Persons having ordinary skill in the art of Applicant's invention would not look outside their field of endeavor to consumer products, such as face towels, to solve problems encountered in cleanrooms.

Kiser discloses a method and apparatus for conditioning textile fibers. The control system disclosed in Kiser and cited as prior art in the office action is used to control the application of liquids to bales of cotton (see, e.g., col. 3, lines 35-37). Conditioning textiles is not in Applicant's field of endeavor. Furthermore, an apparatus for controlling the application of liquids to bales of cotton would not be reasonably pertinent to persons having ordinary skill in the art concerned with controlling the moistening of materials used in a cleanroom.

Tschauder and Kiser are not even in analogous fields of endeavor with respect to each other. Tschauder is directed to hot moistening towels used by airlines and restaurants, while Kiser is directed to controlling liquid applied to bales of cotton. Even assuming a person having ordinary skill in the art of Applicant's invention would look to the teachings of Tschauder, that person would not then look further a field to Kiser for additional guidance. Therefore, even assuming Tschauder may properly be relied on as a basis for rejection, Kiser may not and accordingly claims 6, 18 and 26 are not rendered obvious by the two references.

The only way the teachings of Tschauder and Kiser could be relevant at the time the invention was made to persons having ordinary skill in the art would be to use Applicant's own disclosure as a road map to piece together the disparate references in non-analgous fields of endeavor. However, "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fritch*, 972 F.2d 1260, 1266 (Fed. Cir. 1992). Therefore, Tschauder and Kiser do not form a proper basis for rejecting claims 6, 18 and 26, because the references are not reasonably pertinent to the particular problem with which Applicant's invention is concerned and Applicant's disclosure cannot be used as hindsight to piece together the isolated disclosures found in two non-analogous fields of endeavor. Claims 7-17 depend from claim 1 and are allowable therewith. Claims 19-25

depend from claim 18 and are allowable therewith. Claim 27 depends from claim 26 and is allowable therewith.

CONCLUSION

The above remarks traverse the rejection of independent claims 6, 18 and 26 under 35 U.S.C. § 103(a) based on Tschauder in view of Kiser. In addition, the combinations of features recited in claims 7-17, 19-25 and 27 are independently patentable, although this does not need to be specifically addressed herein since any claim depending from a patentable independent claim is also patentable. *See* M.P.E.P. § 2143.03 (citing *In re Fine*, 5 U.S.P.Q.2d (BNA) 1596 (Fed. Cir. 1988)). Claims 1-5 have been canceled without prejudice to Applicant's right to file a divisional application at a later time. Therefore, all pending claims 6-27 are now in condition for allowance and notice to that effect is requested.

Respectfully submitted,

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